



FUTURE MEETINGS:

May 5 in Sacramento.
July 14 in Sacramento.
September 29 in Sonoma County.
December 1 in San Francisco.

BOARD OF REGISTERED NURSING

Executive Officer: Catherine Puri
(916) 322-3350

The Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse midwifery applicants, establishes accreditation requirements for California nursing schools and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs.

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 56 people.

MAJOR PROJECTS:

Fee Increase to Implement SB 1267. At its November meeting, BRN adopted a nonsubstantive regulation change to section 1417(b) of Chapter 14, Title 16 of the California Code of Regulations, to conform with SB 1267 (Maddy) (Chapter 252, Statutes of 1988), which directs BRN to raise the biennial renewal fee from \$40 to \$45 effective July 1, 1989. The \$5 increase will be used to create a California Registered Nurse Education Program within the Minority Health Professions Fund.

Advisory Committee on Nursing Shortage. The BRN recently approved the criteria and nomination procedure for the special advisory committee on the nursing shortage. SB 2755 (Royce) (Chapter 1321, Statutes of 1988) authorizes BRN to appoint this committee to develop recommendations for the legislature and for licensing agencies to address the shortage of RNs in California. BRN was scheduled to appoint committee members in January.

Functions Interim Permittees May Perform. At its November meeting in San Francisco, the BRN voted to change its former position statement on functions which may be performed by interim permittees. The BRN changed its position in response to public comment opposing its May 1988 interpretation that a permittee may perform "any

function taught in the interim permittee's basic nursing program." Representatives of the nursing community feel this position is too limiting and does not take advantage of the permittee's opportunity to learn skills under the supervision of a RN. The amended statement adds functions for which the permittee has learned theory and acquired clinical practice through "planned learning experiences in the practice setting." The amended statement also provides that "nursing management has ultimate and ongoing responsibility for establishing the permittee's competence prior to assigning the permittee to a staff RN for supervision."

BRN Position on Student Workers. The BRN has received frequent inquiries from various acute hospitals and skilled nursing facilities asking what functions student workers may perform. Student workers are defined as "in a basic nursing program, working for money outside of the program." Section 2729(a) of the Business and Professions Code states that nursing services may be rendered by a student when these services are incidental to the course of study while enrolled in a Board-approved pre-licensure program. The current BRN position asserts that students are unlicensed workers who may not be used in any capacity other than as nurse aides. However, at its November meeting, the Board recognized that student workers are performing functions beyond nurse aide practice in some settings. Therefore, BRN referred this matter to its Education Committee for study and a recommendation whether to alter its policy to permit student workers to perform functions beyond nurse aide practice.

FUTURE MEETINGS:

May 18-19 in San Diego.
July 20-21 in Oakland.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
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The Board of Certified Shorthand Reporters (BCSR) licenses and disciplines shorthand reporters, recognizes court reporting schools and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members, three public and two from the industry,

who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment.

MAJOR PROJECTS:

Professional Practice Exam Test Plan. At BCSR's November meeting, the Board considered whether to revamp its professional practice exam. Following a presentation by Nick Fittinghoff of the Department of Consumer Affairs' Central Testing Unit (CTU), BCSR decided to rewrite the exam through a committee composed of school representatives, official and freelance reporters, and firm owners. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 79; Vol. 8, No. 1 (Winter 1988) p. 72; and Vol. 7, No. 4 (Fall 1987) p. 67 for background information.)

The CTU analyzed the relative importance of the various tasks performed by certified shorthand reporters by conducting an opinion poll among licensed reporters. They were asked to comment on the duration of particular tasks, the likelihood of harm if the task were performed incompetently, the level of resultant harm, and an estimate of the level of proficiency that an entry level shorthand reporter should have in each area. The CTU came to three different results by assigning different weights to each of the four factors. The Board approved the plan which placed most emphasis on the level of harm from incompetent performance. The CTU then set the percentage of questions that should be asked from each category of tasks.

In commenting on the proposed test format, Bryan School owner Nancy Patterson objected to the relatively few number of items which would be devoted exclusively to medical and legal terminology. According to Patterson, this would frustrate the schools' policy of emphasizing these subjects. Mr. Fittinghoff met these concerns by explaining that knowledge of medical and legal terminology would be required throughout the test sections, so knowledge of these areas would still be very important. Other problems were discovered in CTU's scheme. Four or five questions dealing with how to distribute a transcript seemed excessive to several of the school representatives. No one could imagine how to frame a question which would reflect an examinee's ability to read back the transcript. The Board explained that the CTU's report is a tool which the Board (along with the Professional Practice Exam Test Committee) will use to draft the new test and should not be



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considered an absolute restriction.

The Board may pilot some of the new questions in May, but the exam will not be entirely new until November 1989. In May, the new questions will not affect the test score, and may even be voluntary, according to Board Chair Linda Wing. The Board's stated goal is to provide a defensible exam which will test the skills required of an entry level reporter.

Regulatory Changes Disapproved. On December 5, the Office of Administrative Law (OAL) disapproved the Board's regulatory package adopted on February 20, 1988. At that time, BCSR had voted to adopt new section 2420, Chapter 24, Title 16 of the California Code of Regulations, to specifically describe the sections of its exam and the passing scores for each; the Board also approved amendments to existing sections 2400, 2404, 2411, 2419, and 2464 (see CRLR Vol. 8, No. 2 (Spring 1988) p. 77 for background information on these changes). OAL rejected the package because it failed to comply with the clarity, consistency, reference, and necessity requirements in Government Code section 11349.1. BCSR plans to modify the regulatory package and resubmit it to OAL.

Out-of-State Licensees. The Board and the industry are concerned with the possibility that less qualified shorthand reporters will become eligible to take the California examination by passing another state's easier or less carefully administered examination. The Board has expressed a desire for a legislative solution, which it hopes will be sponsored by a professional organization such as the Certified Court Reporters Association.

Standards for Reinstatement. At the December 17 meeting, the Board's Disciplinary Guidelines Committee submitted its proposed Standards for Reinstatement, and the Board adopted them. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 79 for background information.) Under the new guidelines, an individual petitioning for reinstatement has the burden of demonstrating that he/she has the necessary and current qualifications and skills to safely engage in the practice of shorthand reporting within the scope of current law and accepted standards of practice. In determining whether to grant a petition for reinstatement, the Board may consider the original violation(s) for which action was taken, including the type and frequency of the violation, whether they involved intent, negligence, or other unprofessional con-

duct, and how long ago they occurred; prior actions by the Board and/or any state, local, or federal agency or court; the petitioner's attitude toward the violation(s); and his/her documented rehabilitative efforts. The standards provide that the Board may consider any other relevant material in reaching its decision.

At this writing, BCSR does not plan to adopt these reinstatement standards as regulations pursuant to the Administrative Procedure Act, or submit them to OAL for approval.

RECENT MEETINGS:

At its November meeting, the BCSR recommended that although shorthand reporters have been authorized to administer oaths by AB 3216 (Frazee) (Chapter 1032, Statutes of 1988) (see CRLR Vol. 8, No. 4 (Fall 1988) p. 73 for background information), they should protect themselves by renewing their notary licenses until it is clear how the new law will affect them.

The Board's newly-appointed Education Committee met for the first time on December 16. The Committee plans to accomplish three objectives: develop a format or procedure for the Board's inspection teams to use during inspections of shorthand reporting schools; review the current Board regulations to ensure that curriculum requirements are still appropriate; and review Board statutes and regulations with an eye toward making the schools more accountable for quality education.

FUTURE MEETINGS:

May 19-20 in San Francisco.
June 24 in San Diego.
August 26 in San Francisco.
November 10-11 in Los Angeles.
December 16 in Berkeley.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives.

The SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates.

A licensed field representative may also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; or (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections. An operator may be licensed in all three branches, but will usually specialize in one branch and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

MAJOR PROJECTS:

Proposed Regulatory Changes. The SPCB recently announced its intent to adopt numerous changes to its regulations, which appear in Chapter 19, Title 16 of the California Code of Regulations (CCR). A public hearing on all of the following proposed changes was scheduled for February 25 in Universal City.

-The Board seeks to amend section 1937 to require that any qualifying manager or designated licensed operator certifying the training, experience, and employment of an applicant for licensure be licensed in the branch(es) for which he/she is certifying experience.

-Currently, an applicant for an operator's license is required to have two to four years of experience in the employ of a registered company in California, or the equivalent of such experience. Many applicants submit out-of-state experience, education, or pest-related employment as equivalent experience. New section 1934 would be added to establish criteria for the evaluation of equivalent experience.

-Existing section 1991 would be amended to replace the scientific names for pests to their common names; and to incorporate by reference section 2-2516(c)(1), (2), (4), (6), and (13), Title 24 of the CCR, so as to be able to enforce against Board licensees those general construction requirements.

-Section 1954 would be added to establish minimum quality criteria for Board-approved courses and course instructors.

-The adoption of section 1918 would